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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,677	12/20/2001	Roger G. Etter	ENV1298-002J	2635

8698 7590 02/25/2003

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EXAMINER

YILDIRIM, BEKIR L

ART UNIT	PAPER NUMBER
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1764

DATE MAILED: 02/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/027,677

Applicant(s)

ETTER, ROGER G.

Examiner

Bekir L. YILDIRIM

Art Unit

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-47 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

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## **DETAILED ACTION**

### ***Election/Restriction***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I Processes that produce coke classified in class 208, subclass 131 and others.

Group II. Production of coke-based products by modification or further treatment of coke classified in class 502, subclass various.

Group III.. Combustion of coke with reduced sulfur emission classified in class 110, subclass 142 and others.

Group IV. Solvent deasphalting on hydrocarbonaceous feed classified in class 208 subclass 309 and others.

Group V Solvent or other deasphalting or coke product classified in class 208, 252 and others depending on end uses..

Group VI. Hydrotreatment of coke classified in class 208 subclass 400+.

Group VII. Hydrogenolysis classified in class 208, subclass various.

Group VIII. Hydrocracking classified in class 208, subclass 107+

2. The inventions are distinct, each from the other because of the following reasons:

Inventions in the Groups numbered I through VIII are unrelated. Inventions are unrelated if it can

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be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different modes of operations functions and effects. The only common thread among all claims is they all are somewhat related to coke.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and because of their recognized divergent subject matter restriction for examination purposes as indicated is proper.

4. **If Group I is elected :**

This group contains claims directed to the following patentably distinct species of the claimed invention: .

- Delayed coking process.

- Upgrading of resid to produce hydrocarbons and byproduct coke.

- Co-processing of resid with other materials.

- Flexicoking.

- Chemical carbonization (could be combined with activated carbon production depending on specifics).

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-Other thermal cracking processes.

**If group II is elected:**

This group contains claims directed to the following patentably distinct species of the claimed invention:

-Coke-based catalyst production (could be combined with chemical carbonization depending on the specifics)

-Activated carbon (coke) production.

For Group I or group II, Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently the subject matter identified for the groups are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Claims falling within the above-identified subject matters were not listed due to the fact that the claims, through a series of linking narrative language, incorporating a series of diverse and broad processes by mere mentioning of the title of the process, are nearly impossible to delineate lines of demarcation between the subject matters. That is particularly through considering the 226 page specification which further incorporates undisclosed processes e.g. "Hydroprocess" covering not only coke hydroprocessing but any carbonaceous or hydrocarbonaceous matter treatment that may produce coke byproduct, rendering the numbering very difficult and nearly moot.

Considering the lengthy disclosure, irrespective of the group and species elected, the applicant is suggested to point the support for the claimed subject matter in the disclosure. As noted above, the the only feature common to all claims is they all are at least tangentially related to coke or coking. Claims may need to be rewritten limiting subject matter covered thereby, i.e. "a delayed coking process to produce sponge coke...", hydroprocessing of hydrocarbonaceous residue ...", "a coke combustion process with reduced sulfur emissions by fixing sulfur....", "a process for producing a clean-burning fuel grade coke.." or the like.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bekir L. Yildirim whose telephone number is (703) 308-3586. The examiner can normally be reached on Monday through Friday from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola, can be reached on (703) 308-6824. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-3599.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0611.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bekir L. Yildirim whose telephone number is (703) 308-3586.

B.L.Y.  
February 21, 2003



Bekir L. Yildirim  
Primary Examiner